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| 10/539,521 | 12/30/2005 | Robert Jochemsen | PHN1021496US | 2850 |
| 38107 7590 12/18/2008 PHILIPS INTELLECTUAL PROPERTY & STANDARDS 595 MINER ROAD CLEVELAND, OH 44143 | | | | |
| EXAMINER | | | | |
| TEKLE, DANIEL T | | | | |
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/539,521

Applicant(s)

JOICHESEN ET AL.

Examiner

DANIEL TEKLE

Art Unit

2621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 December 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 December 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/5508)
- Paper No(s)/Mail Date _____

- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-29 rejected under 35 U.S.C. 102(e) as being anticipated by Walters et al. (EP 1185095).

Regarding Claim 1: Walters discloses a video recorder comprising: means for recording input video data in a time-shift buffer on a portion of a recording medium (**Fig. 1 and 2**); means for reading video data from the time-shift buffer (**paragraph 0008**); means for independently trimming video data at a chronological beginning of the time-shift buffer to maintain at least a guaranteed minimum available replay time between the chronological beginning of the time-shift buffer and the video data read at a current time (**paragraph 0009**); means for pausing the reading of the video data from the time-shift buffer to pause a current read time (**paragraph 0009**); means for independently enlarging the time-shift buffer at a chronological end of the time-shift buffer with currently input video data (**paragraph 0009**).

Regarding Claim 2: Walters discloses a video recorder as set forth in claim 1, wherein the time-shift buffer comprises a single file (**paragraph 0009**).

Regarding Claim 3: Walters discloses a video recorder as set forth in claim 2, wherein the recording medium is a hard drive (**Fig. 4 element 580**).

Regarding Claim 4: Walters discloses a video recorder as set forth in claim 3, wherein the single file is maintained within a native file system of an operating system included on the video recorder (**paragraph 0008**).

Regarding Claim 5: Walters discloses a video recorder as set forth in claim 1, wherein the time-shift buffer includes a plurality of files (**paragraph 0009**).

Regarding Claim 6-8: Claim 6-8 are reject for the same subject matter as claims 3-5 respectively as discussed above.

Regarding Claim 9: Walters discloses a video recorder as set forth in claim 1, further including: means for terminating the pausing of the reading of video data, such that reading of the video data from the time-shift buffer is recommenced (**paragraph 0009**).

Regarding Claim 10: Walters discloses a video recorder as set forth in claim 1, further including: means for fast-forwarding through the video data in the time-shift buffer; and means for contracting the size of the time-shift buffer (**paragraph 0009**).

Regarding Claim 11: Walters discloses a video recorder as set forth in claim 1, further including: a real-time buffer, the input module passing video data to the output module

via the real-time buffer when a user is viewing in real time without a time delay (paragraph 0010).

Regarding Claim 12: Walters discloses a video recorder comprising: a hard drive (**Fig. 4 element 580**); a varying size time-shift buffer on the hard drive, which provides a guaranteed minimum replay time (**paragraph 0009**); an input module for receiving the video input data and writing the video input data to the time-shift buffer on the hard drive (**paragraph 0008**); an output module for reading the written video from the time-shift buffer and displaying it via the output video interface (**Fig. 1-2**); and a trimming module for adjusting the size of the time-shift buffer, such that the size of the time-shift buffer is sufficient to maintain the guaranteed minimum replay time (**paragraph 0008-0009**).

Regarding Claim 13: Walters discloses a video recorder as set forth in claim 12, such that the hard drive includes at least one standard file system for holding the time-shift buffer (**Fig. 1 or 2**).

Regarding Claim 14: Walters discloses a video recorder as set forth in claim 13, further including a file system module for adding, deleting and maintaining files on the at least one standard file system (**paragraph 0008**).

Regarding Claim 15-16: Claim 15-16 are reject for the same subject matter as claims 2 and 5 respectively as discussed above.

Regarding Claim 17: Walters discloses a. The video recorder as set forth in claim 12, further including: a first user control for alternately pausing and recommencing the reading of the video data from the time-shift buffer (**paragraph 0009**).

Regarding Claim 18: Walters discloses a The video recorder as set forth in claim 17, further including a second user control for fast-forwarding the reading of the video data from the time-shift buffer (**paragraph 0009**).

Regarding Claim 19: Walters discloses a video recorder as set forth in claim 12, further including: a read pointer utilized by the output module for pointing to the appropriate segment to be read from the time-shift buffer (**Fig. 1-2**); and a write pointer utilized by the input module for pointing to the appropriate segment to be written in the time-shift buffer (**paragraph 0008**).

Regarding Claim 20: Walters discloses a video recorder as set forth in claim 19, further including a real-time buffer, the input module passing video data to the output module via the real-time buffer when a user is viewing in real time without a time delay (**paragraph 0010**).

Regarding Claim 21: Claim 21 are reject for the same subject matter as claim 1 as discussed above.

Regarding Claim 22: Walters discloses a method as set forth in claim 21, further including: terminating pausing the reading of video data, such that reading of the video data from the time-shift buffer is recommenced (**paragraph 0009**); and when the reading of the video data is recommenced, freeing a size of the time-shift buffer (**paragraph 0009**).

Regarding Claim 23: Walters discloses a method as set forth in claim 22, further including: fast-forwarding through the video data in the time-shift buffer (**paragraph 0009**); and contracting the size of the time-shift buffer (**paragraph 0013**).

Regarding Claim 24: Walters discloses a method as set forth in claim 21, further including: fast-forwarding through the video data in the time-shift buffer (**paragraph 0009**); and contracting the size of the time-shift buffer (**paragraph 0013**).

Regarding Claim 25: Walters discloses a method as set forth in claim 21, such that the input module, the output module and the trimming module operate as separate processes (**paragraph 0024**).

Regarding Claim 26: Walters discloses a method as set forth in claim 21, such that the input module, the output module and the trimming module operate as a single-thread process (**paragraph 0024**).

Regarding Claim 27: Walters discloses a method as set forth in claim 21, further including: storing input video data in a real-time buffer (**paragraph 0008**); and reading video data from the real-time buffer, such that the reading video data from the real-time buffer is performed when a user is viewing at a real-time rate without a time-delay (**paragraph 0010**).

Regarding Claim 28: Walters discloses a method for controlling the size of a time-shift buffer comprising: writing current data to a chronological end of the time-shift buffer, thereby increasing the size of the time-shift buffer (**paragraph 0024**); determining a size by which the time-shift buffer is to be reduced (**paragraph 0024**); trimming a

chronological beginning of the time-shift buffer by a largest possible size not exceeding the determined size (**paragraph 0024**).

Regarding Claim 29: Claim 29 are reject for the same subject matter as claim 4 as discussed above.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DANIEL TEKLE whose telephone number is (571)270-1117. The examiner can normally be reached on 7:30am to 5:00pm M-R and 7:30-4:00 Every other Friday..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marsha D. Banks-Harold can be reached on 571-272-7905. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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/Marsha D. Banks-Harold/

Supervisory Patent Examiner, Art Unit 2621

/Daniel Tekle/

Examiner, Art Unit 2621